

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

JUN - 6 2008

Clerk, U.S. District and  
Bankruptcy Courts

Joyce Little, )  
)  
Petitioner, )  
)  
v. )  
)  
)  
The Department of Health & )  
Human Services *et al.*, )  
)  
Respondents. )

Civil Action No. **08 0973**

MEMORANDUM OPINION

Before the Court are petitioner's application for a writ of mandamus brought *pro se* and her motion to proceed *in forma pauperis*. The Court will grant the motion to proceed *in forma pauperis* and will dismiss the case pursuant to 28 U.S.C. § 1915(e). Under that statute, the Court is required to dismiss a case if it determines that the petition, among other grounds, fails to state a claim upon which relief may be granted. 28 U.S.C. § 1915(e)(2)(B)(ii).

Petitioner seeks mandamus relief against the United States Department of Health and Human Services ("HHS"), the Commonwealth of Virginia, the State of Maryland and the District of Columbia. The extraordinary remedy of a writ of mandamus is available to compel an "officer or employee of the United States or any agency thereof to perform a duty owed to plaintiff." 28 U.S.C. § 1361. The petitioner bears a heavy burden of showing that her right to a writ of mandamus is "clear and indisputable." *In re Cheney*, 406 F.3d 723, 729 (D.C. Cir. 2005) (citation omitted). The mandamus statute provides no authority for this Court to compel action by the non-federal defendants.

As for HHS, petitioner alleges that she “has two private contracts” with HHS “whereby [her] private money is provided Plaintiff at local social services agencies in the form of two checks,” apparently to cover her food and living expenses. Pet. at 7. She seeks issuance of the writ against HHS “so that Plaintiff can access Plaintiff’s money through the two contract[s]” with HHS. Petitioner’s vague allegations neither identify the duty owed her nor specify the acts sought to be performed. The case therefore will be dismissed by a separate Order issued contemporaneously.

A handwritten signature in black ink, appearing to read "Paul Z. Lewis", written over a horizontal line.

United States District Judge

Date: May 30, 2008